Remarks/Arguments:

Please change the attorney docket number for this matter from "NAK1-BN18" to "62478-3400".

Claims 1-20 and 31-42 remain in this application, and claims 43-45 have been added. Claims 21-30 have been canceled. Claims 31 and 35-42 are amended herein.

In order to more clearly distinguish the claimed invention from the prior art cited in the Office Action, independent claims 31, 35, and 39 were amended, as were some dependent claims to make them consistent with the amended independent claims. As such, the rejections of claims 1-20 and 31-42 are moot as the claims now recite elements that are not taught, suggested, or motivated by the cited reference. However, for the sake of obtaining timely allowance of the pending claims, the remarks below are provided.

The application is directed to a file management apparatus that is adapted to facilitate reading and modifying segments of continuous video within a file through use of a segment name that comprises the file name containing the segment, and comprises a serial number assigned by the file system to the segment. In order to do so, the file management apparatus has the ability to scan a file containing video data, identify discontinuities in the video data, and assign names to segments separated by the discontinuities.

In contrast, the newly cited reference, *Miike et al.* (US5787414, hereinafter *Miike*), provides a data retrieval system wherein primary information can be retrieved based on secondary information. Although *Miike* does discuss analyzing inputs to obtain the secondary information, the analysis performed does not comprise scanning data files for discontinuities between video clips, or assigning segment names to groups of continuous video data. Moreover, *Miike* does not disclose a file system where such assigned names are subsequently used to retrieve or modify segments.

The Office Action cites numerous portions of *Miike* to support its rejection of the pending claims as being anticipated or obviated by the cited references. Unfortunately, the Office Action in many instances simply asserts that a quoted portion of a claim "is taught" by a cited portion of

Appl. No. 09/723,972
Amdt. dated September 2, 2004
Reply to Office action of June 9, 2004

Docket No. 62478-3400 (Prev. NAK1-BN18)

Miike without providing any reasoning to support the assertion. Although such reasoning would not be necessarily if there was a clear correspondence between *Miike* and the claimed subject matter, in this instance there is no such clear correspondence. In this instance it appears that the Office Action is simply citing disparate portions of *Miike* to try and satisfy various elements of the rejected claims without any consideration as to the interrelationship of the elements, or any consideration as to whether *Miike* satisfies any rejected claim as a whole. Even assuming that this such is not the case and attempting to interpret the assertions of the Office Action in a manner that best supports the rejections, Applicant is forced to conclude that *Miike* does not anticipate or obviate any of the rejected claims, either in their prior form or as currently amended herein. It is hoped that if rejection of any of the claims is maintained, that subsequent Office Actions will be at least somewhat more explicit in providing a basis for rejecting the claims to aid in Applicant's understanding of the basis for the rejection.

In reviewing *Miike*, it can be seen that *Miike* discloses three general embodiments of a data retrieval system as well as fourteen specific embodiments of the first general embodiment. From the brief description of the drawings, it can be determined that figures 1-140 describe the first general embodiment, as does the text (roughly columns 11-61) of the specification describing those figures. Similarly, figures 141-146 and the related text (roughly columns 61-72)describe the second general embodiment, and figures 147-167 and the related text (roughly columns 72-89) describe the third general embodiment. The first general embodiment is directed primarily to storage and retrieval (using secondary data) of data entered into the system in general. For example, the retrieval target data include a document or data file containing texts and images entered by utilizing a keyboard, mouse, pen, etc., the image data such as still pictures and dynamic pictures entered by utilizing an image scanner or camera, and the acoustic data recorded by a microphone or synthesized electronically, which are entered into the system, stored therein, and made available for the re-utilization by the operations such as editing, manipulation, and looking up. The second general embodiment is directed to storage and retrieval of document images. The third general embodiment is directed to storage and retrieval of time series data such as speech.

Appl. No. 09/723,972
Amdt. dated September 2, 2004
Reply to Office action of June 9, 2004

Docket No. 62478-3400 (Prev. NAK1-BN18)

In citing *Miike* as a basis for rejecting the pending claims, the Office Action relies on text describing each of the three general embodiments, as well as several specific embodiments without providing any teaching, suggestion, or motivation to combine them in the manner claimed. The Office Action does not identify, and *Miike* does not describe, a single embodiment of a file management apparatus that satisfies any of the rejected claims. As *Miike* does not describe a file management apparatus as claimed, *Miike* does not anticipate any of the rejected claims. Moreover, without a teaching, suggestion, or motivation to combine the elements asserted to be found in *Miike*, *Miike* does not obviate the rejected claims. Still further, despite the Office Action assertions to the contrary, *Miike* does not teach or suggest all of the elements of any of the rejected claims, and the deficiencies of *Miike* are not overcome by combining *Miike* with any of the other cited references. As such, the cited references do not, individually or in combination, provide an adequate basis for rejecting any of the pending claims.

More particularly, claim 31 recites: "A file storage unit operable to store a file that contains two pieces of data, each piece of data being video data and containing a piece of numerical information being a time code; a segment judging unit operable, for each file stored in the file storage unit, to read the two pieces of data, extract two pieces of numerical information being time codes respectively from the read two pieces of data, and judge whether the two time codes are continuous in time series; and a segment generating unit operable, if the segment judging unit judges that the two time codes are continuous, to generate a segment that contains the read two pieces of video data."

The Office action asserts that *Miike* anticipates "... a file storage unit operable to store a file that contains two pieces of data ...." In doing so, the Office Action relies of column 21, lines 53-56 and column 22, lines 17-19 of *Miike*. These two portion of *Miike* refer to the use of a document name and a document ID to identify a document file. It is unclear whether the Office Action intends the name and ID to be the two pieces of information contained in the file, or whether it simply relies on the citation as showing a file storage unit operable to store a file that contains two pieces of data. In subsequent paragraphs, additional citations to the same portions of *Miike* would seem to indicate that the name and ID are intended to be the claimed two pieces of data.

Appl. No. 09/723,972
Amdt. dated September 2, 2004
Reply to Office action of June 9, 2004

Docket No. 62478-3400 (Prev. NAK1-BN18)

However, the name and ID are not part of the document file. Moreover, having the two pieces of data comprise the name and ID would prevent *Miike* (to a greater extent than the other recitations already do) from satisfying the recitations of claim 31. It is also important to note that, as amended herein, claim 31 now recites that each piece of data is <u>video data</u>, and that the cited portions of *Miike* are silent as to the contents of the document file, and the name and ID are clearly not video data.

The Office Action goes on to rely on column 22, lines 17-19 (describing the first specific general embodiment of the first general embodiment) and column 64, lines 48-52 (describing the second general embodiment) of *Miike* to anticipate "...each piece of data containing a piece of numerical information...." As already discussed, column 22, lines 17-19 of *Miike* refers to the use of a document name and a document ID to identify a document file. Column 64, lines 48-52 discuss storing a numerical value associated with paper quality of a document along with the data of the document where the document comprises one or more images of a paper document. It is unclear how the Office Action views the cited portions of *Miike* as anticipating the quoted portions of claim 31. As best understood, the cited portions of *Miike* simply indicate that the system of *Miike* contemplates file storage, and association of a name, id, and paper quality with (although not necessarily part of) the file.

Additionally, it is important to note that, as amended herein, claim 31 now requires that the numerical information found in each piece of the video data be a time code. In addition to none of the pieces of data being video data, none of the numeric information referred to in the cited portions of *Miike* is a time code.

The follow section discusses the inadequacy of *Miike* in regard to the "segment judging unit" portion of claim 31.

The Office Action relies on column 68, lines 32-39 (describing the second general embodiment) and column 21, lines 53-56 (describing the first specific embodiment of the first general embodiment) as anticipating "...a segment judging unit operable, for each file stored in the file storage unit....". As already discussed, column 21, lines 53-59 of *Miike* refer to the use of a

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Appl. No. 09/723,972
Amdt. dated September 2, 2004
Reply to Office action of June 9, 2004

Docket No. 62478-3400 (Prev. NAK1-BN18)

document name and a document ID to identify a document file. Column 68, lines 32-39 discuss extracting a drawing from a document image and judging whether the extracted drawing is a graph. Although judgment is discussed, there is no discussion in *Miike* regarding applicability to each file stored in the file storage unit.

The Office Action goes on to rely on Column 38, lines 15-18 (describing the ninth specific embodiment of the first general embodiment) and column 22, lines 17-19 (describing the first specific embodiment of the first general embodiment) as anticipating "… to read the two pieces of data….". Once again, column 22, lines 17-19 of *Miike* refer to the use of a document name and a document ID to identify a document file. Column 38, lines 15-18 discuss identifying a party from speech data, or from a name that is part of an image. Neither discuss reading two pieces of data from a data file.

The Office Action then relies on column 22, lines 17-19 (describing the first specific embodiment of the first general embodiment) and column 64, lines 48-52 (describing the second general embodiment) as anticipating "…extract two pieces of numerical information respectively…". Yet again, column 22, lines 17-19 of *Miike* refer to the use of a document name and a document ID to identify a document file, and column 64, lines 48-52 discuss storing a numerical value associated with paper quality of a document along with the data of the document where the document comprises one or more images of a paper document. Neither discusses extracting two pieces of numerical information from two pieces of data pulled from a single file.

The Office action then relies on Column 38, lines 15-18 (describing the ninth specific embodiment of the first general embodiment) and column 22, lines 17-19 (describing the first specific embodiment of the first general embodiment) as anticipating "… from the read two pieces of data…". Once again, column 22, lines 17-19 of *Miike* refer to the use of a document name and a document ID to identify a document file, and column 38, lines 15-18 discuss identifying a party from speech data, or from a name that is part of an image. Again, neither discusses extracting two pieces of numerical information from two pieces of data pulled from a single file.

Appl. No. 09/723,972
Amdt. dated September 2, 2004
Reply to Office action of June 9, 2004

Docket No. 62478-3400 (Prev. NAK1-BN18)

The Office Action then finishes its assertion that the "segment judging unit" portion of claim 31 is anticipated by relying on column 68, lines 32-39 (describing the second general embodiment), column 22, lines 17-19 (describing the first specific embodiment of the first general embodiment), column 64, lines 48-52 (describing the second general embodiment), and column 16, lines 21-28 (describing the first general embodiment) as anticipating "... and judge whether the two pieces of numerical information are continuous..." Column 68, lines 32-39 discuss extracting a drawing from a document image and judging whether the extracted drawing is a graph. Once again, column 22, lines 17-19 of *Miike* refer to the use of a document name and a document ID to identify a document file, and column 64, lines 48-52 discuss storing a numerical value associated with paper quality of a document along with the data of the document where the document comprises one or more images of a paper document. Column 16, lines 21-28 discuss use of an input device to obtain audio or video data, and corresponding position data.

From the citations, *Miike* may be said to comprise a judgment unit for judging whether an extracted drawing image is a graph or not. However, this does not satisfy the recitations of claim 31 because it is not equivalent to reading two pieces of data from a file, extracting two pieces of numerical information from the two pieces of data, and judging whether the two pieces of numerical information are continuous.

Moreover, as amended herein, claim 31 requires that the numerical information be time codes, that the two pieces of data be video data, and that the time codes be continuous in time series. These requirements further distinguish claim 31 from *Miike*.

After attempting to deal with the "segment judging unit" recitation, the Office Action goes on to address the "segment generating unit" portion of claim 31. In doing so, the Office Action asserts that column 68, lines 32-39 (describing the second general embodiment), column 22, lines 17-19 (describing the first specific embodiment of the first general embodiment), column 64, lines 48-52 (describing the second general embodiment), and column 16, lines 21-28 (describing the first general embodiment) anticipate "... if the segment judging unit judges that the two pieces of numerical information are continuous ...." However, as previously discussed, the cited portions of *Miike* do not discuss a segment judging unit that judges whether two pieces of numerical data

Appl. No. 09/723,972
Amdt. dated September 2, 2004
Reply to Office action of June 9, 2004

Docket No. 62478-3400 (Prev. NAK1-BN18)

are continuous, and in particular does not discuss a segment judging unit that judges whether time codes extracted from two pieces of video data are continuous.

The Office Action also asserts that column 48, lines 54-58 (describing the twelfth specific embodiment of the first general embodiment) and column 68, lines 32-39 (describing the second general embodiment) satisfy "... to generate a segment...." Column 48, lines 54-58 discuss creating and modifying an access list where the access list is stored separately from the document. As previously discussed, column 68, lines 32-39 discuss extracting a drawing from a document image and judging whether the extracted drawing is a graph. Creating and modifying an access list may be considered "generating a segment" in the abstract, but does not satisfy the recitations claim 31 because it (a) should be conditional on a judging unit judging whether extracted pieces of data are continuous, and (b) should contain the read two pieces of data.

The Office Action also asserts that column 76, lines 50-56 (describing the third general embodiment) and column 38, lines 15-18 (describing the ninth specific embodiment of the first general embodiment), and column 22, lines 17-19 (describing the first specific embodiment of the first general embodiment) anticipate "... that contains the read two pieces of data...." Column 76, lines 50-56 discuss a format by which a subsection of an audio segment can be identified as containing a speech section. As already discussed, column 38, lines 15-18 discuss identifying a party from speech data, or from a name that is part of an image, and column 22, lines 17-19 of *Miike* refer to the use of a document name and a document ID to identify a document file. However, none of this data is included in the access list the Office Action asserts is the generated segment.

Moreover, as amended herein, segment generation is conditional on continuity between time codes, and the generated segment must contain the read two pieces of video data. This is clearly not taught, suggested, or motivated by *Miike*.

From the foregoing it can be seen, despite some minor similarities between portions of *Miike* and individual elements of claim 31, that *Miike* does not anticipate claim 31 when viewed in its entirety.

Appl. No. 09/723,972
Amdt. dated September 2, 2004
Reply to Office action of June 9, 2004

Docket No. 62478-3400 (Prev. NAK1-BN18)

The foregoing comments are also applicable to claims 35 and 39. Moreover, all the other previously pending claims are at least patentable because of their dependence on claims 31, 35 and 39. However, the following comments address a few, but not all, of the inadequacies of the cited references in regard to the dependent claims.

Claim 32 recites in part: "...the segment generating unit includes: a position information storage unit; a position obtaining unit operable, if the segment judging unit judges that the two pieces of numerical information are continuous, to obtain two pieces of position information respectively of the two pieces of data from the file storage unit; and a position information write unit operable to, recognizing the two pieces of data as the segment, generate a segment name for identifying the recognized segment, and write into the position information storage unit (ii) the segment name and (ii) the two pieces of position information as an entry that corresponds to the segment name, the two pieces of position information indicating a storage position of the segment."

One thing to note about claim 32 is that the claim elaborates on the segment generating unit of claim 31. As such, to be consistent with the assertions made in regard to claim 31, the position information storage unit and position obtaining unit of claim 32 should be satisfied by the access information detection unit of *Miike*. This is not the case. The position information referred to in the cited portions of *Miike* are provided by the environmental analysis target data input unit.

Another thing to note is that claim 32 recites that the position information comprises positions of the two pieces of data from the file storage unit, not data relating to an external environment and/or user position such as GPS information that constitutes the position data of *Miike*.

It is also interesting to note that the Office Action, in rejection claims 32, 36, and 40 as well as 33, 37, and 41, cites a different portion (column 13, lines 15-28) of *Miike* as teaching "...if the segment judging unit judges..." than it does for claim 31, 35 and 39 (columns 68, 22, 64 and 16). Moreover, the cited portion of *Miike* . (column 13, lines 15-18, first general embodiment) does not even discuss conditionally obtaining position information. Instead, it simply provides examples of what environmental analysis target data can include.

Appl. No. 09/723,972
Amdt. dated September 2, 2004
Reply to Office action of June 9, 2004
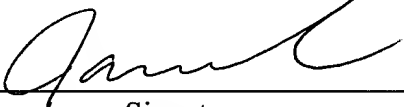
Docket No. 62478-3400 (Prev. NAK1-BN18)

In light of the foregoing, *Miike* does not anticipate claim 32, 36, or 40 or any claim dependent claims 32, 36, and 40.

In support of the §103 rejections, the Office Action asserts that the use of segments is known and taught by the cited references. However, the segments of the cited references are not the segments claimed, i.e. a set of pieces of data where the pieces comprise continuous numerical data, and, as amended, a set of pieces of video data comprising continuous time codes. As such, despite the similarity in terms, the cited references do not anticipate or obviate the present claims.

In addition to those identified here, the Office Action makes numerous incorrect assertions that claimed elements are taught by the cited references. However, as Applicant has chosen to amend the claims in an attempt to push forward with prosecution, further discussion on the inadequacies of the cited references will be tabled pending a determination as to whether the amended claims are allowable. As the current amendments were not necessitated by the cited references, Applicant reserves the right to undo the present amendments if future Office Actions reject the amended form of the claims.

Appl. No. 09/723,972
Amdt. dated September 2, 2004
Reply to Office action of June 9, 2004

Docket No. 62478-3400 (Prev. NAK1-BN18)

It is believed that the case is now in condition for allowance, and an early notification of the same is requested. If the Examiner believes that a telephone interview will help further the prosecution of this case, he is respectfully requested to contact the undersigned attorney at the listed telephone number.
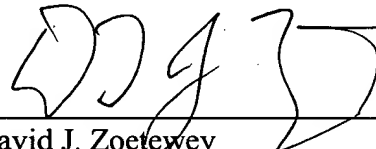
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By: _____ James Lee _____

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Signature

Dated: September 2, 2004

Very truly yours,

SNELL & WILMER L.L.P.

David J. Zoetewey
Registration No. 45,258
1920 Main Street, Suite 1200
Irvine, California 92614-7230
Telephone: (949) 253-4904

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